

IN THE SENATE

SENATE BILL NO. 1079

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE MOTORCYCLE TRAINING PROGRAM; AMENDING SECTION 33-4901, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4902, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE ADMINISTRATOR OF THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4903, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4904, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4905, IDAHO CODE, TO REPLACE THE SUPERINTENDENT OF PUBLIC INSTRUCTION WITH THE ADMINISTRATOR OF THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 33-4906, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 49-304, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AMENDING SECTION 49-313, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION; AND AMENDING SECTION 49-314, IDAHO CODE, TO REPLACE THE DEPARTMENT OF EDUCATION WITH THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORRECTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-4901, Idaho Code, be, and the same is hereby amended to read as follows:

33-4901. COOPERATION ~~BETWEEN DEPARTMENTS~~. In conjunction with its supervision of traffic on public highways, the Idaho transportation department is directed to cooperate with the ~~department of education~~ division of professional-technical education in its establishment of a motorcycle rider safety program for the state of Idaho.

SECTION 2. That Section 33-4902, Idaho Code, be, and the same is hereby amended to read as follows:

1 33-4902. MOTORCYCLE SAFETY PROGRAM. (1) The ~~department of education~~
 2 division of professional-technical education shall develop standards for, establish and
 3 administer the Idaho motorcycle safety program.

4 (2) The ~~department of education~~ division of professional-technical education shall
 5 establish standards for the motorcycle rider training course, including standards for course
 6 curriculum and student evaluation and testing, and shall meet or exceed established national
 7 standards for motorcycle rider training courses in effect as of September 1, 1994.

8 (3) The program shall include activities to increase motorcyclists' alcohol and drug
 9 effects awareness, motorcycle rider improvement efforts, program promotion activities, and
 10 other efforts to enhance motorcycle safety through education, including enhancement of public
 11 awareness of motorcycles.

12 (4) The ~~superintendent of public instruction~~ administrator of the division of
 13 professional-technical education shall appoint a program coordinator to oversee and direct the
 14 program.

15 (5) The ~~department of education~~ division of professional-technical education shall
 16 establish standards for the training and approval of motorcycle rider training instructors and
 17 skills examiners which shall meet or exceed established national standards for such instructors
 18 and skills examiners in effect as of September 1, 1994.

19 SECTION 3. That Section 33-4903, Idaho Code, be, and the same is hereby amended to
 20 read as follows:

21 33-4903. IMPLEMENTING AUTHORITY. (1) The ~~department of education~~ state board
 22 for professional-technical education shall adopt rules which are necessary to carry out the
 23 motorcycle safety program.

24 (2) The ~~department of education~~ division of professional-technical education may enter
 25 into contracts with public or private entities for course delivery and for the provision of
 26 services or materials necessary for administration and implementation of the program.

27 (3) The ~~department of education~~ division of professional-technical education may offer
 28 motorcycle rider training courses directly and may approve courses offered by public or private
 29 entities as authorized program courses if they are administered and taught in full compliance
 30 with standards established for the state program.

31 (4) The ~~department of education~~ division of professional-technical education may
 32 establish reasonable enrollment fees to be charged for persons who participate in a motorcycle
 33 rider training course.

34 (5) The ~~department of education~~ division of professional-technical education may utilize
 35 available program funds to defray expenses in offering motorcycle rider training courses and
 36 may reimburse entities which offer approved courses for the expenses incurred in offering the
 37 courses in order to minimize any course enrollment fee charged to the students.

38 SECTION 4. That Section 33-4904, Idaho Code, be, and the same is hereby amended to
 39 read as follows:

40 33-4904. MOTORCYCLE SAFETY PROGRAM FUND. (1) The motorcycle safety
 41 program fund is established in the state treasury and appropriated on a continual basis to the
 42 ~~department of education~~ division of professional-technical education which shall administer the
 43 moneys. Money in the fund shall only be used for administration and implementation of the

1 program, including reimbursement of entities which offer approved motorcycle rider training
2 courses.

3 (2) At the end of each fiscal year, moneys remaining in the motorcycle safety program
4 fund shall be retained in said fund and shall not revert to any other general fund. The interest
5 and income earned on money in the fund, after deducting any applicable charges, shall be
6 credited to and remain in the motorcycle safety program fund.

7 (3) Revenue credited to the fund shall include one dollar (\$1.00) of each fee for a class
8 A, B, C or D driver's license as provided in section 49-306, Idaho Code.

9 (4) Revenue credited to the fund shall include amounts collected for each motorcycle
10 safety program fee imposed pursuant to section 49-453, Idaho Code.

11 SECTION 5. That Section 33-4905, Idaho Code, be, and the same is hereby amended to
12 read as follows:

13 33-4905. ADVISORY COMMITTEE. The ~~superintendent of public instruction~~
14 administrator of the division of professional-technical education shall establish a program
15 advisory committee consisting of five (5) persons representing various interests in
16 motorcycle safety including, but not limited to, motorcycle riding enthusiasts, dealers and
17 law enforcement personnel. Committee members shall advise the program coordinator
18 in developing, establishing and maintaining the program. The committee shall monitor
19 program implementation and report to the ~~superintendent~~ administrator as necessary with
20 recommendations. Members of the committee shall serve without compensation but may be
21 reimbursed for their reasonable expenses while engaged in committee business.

22 SECTION 6. That Section 33-4906, Idaho Code, be, and the same is hereby amended to
23 read as follows:

24 33-4906. ANNUAL REPORT ON THE PROGRAM. The ~~department of education~~
25 division of professional-technical education shall prepare a public report annually. The report
26 shall be completed with the assistance of the program coordinator and the program advisory
27 committee. The report shall include the number and location of various courses offered,
28 the number of instructors approved, the number of students trained in various courses, other
29 information about program implementation as deemed appropriate, and an assessment of the
30 overall impact of the program on motorcycle safety in the state. The report shall also provide
31 a complete accounting of revenue receipts of the motorcycle safety program fund and of all
32 moneys expended under the program.

33 SECTION 7. That Section 49-304, Idaho Code, be, and the same is hereby amended to
34 read as follows:

35 49-304. MOTORCYCLE ENDORSEMENT. The department shall issue a motorcycle
36 "M" endorsement on a driver's license to applicants who complete the requirements to operate
37 a motorcycle.

38 (1) No person may operate a motorcycle upon a highway without a motorcycle "M"
39 endorsement on a valid driver's license.

(2) Any person who applies for a driver's license or renewal of a license may also apply for a motorcycle "M" endorsement. The requirements for obtaining a motorcycle "M" endorsement are:

(a) The applicant shall be tested by written examination for his knowledge of safe motorcycle operating practices and traffic laws specific to the operation of motorcycles upon payment of the fee specified in section 49-306, Idaho Code.

(b) Upon successful completion of the knowledge test and upon payment of the fee required for an "M" endorsement, the applicant shall obtain a motorcycle "M" endorsement on his driver's license.

(3) No person under the age of twenty-one (21) years may apply for or obtain a motorcycle "M" endorsement on his driver's license unless he has successfully completed a motorcycle rider training course approved under the provisions of chapter 49, title 33, Idaho Code, in addition to satisfying the requirements specified in subsection (2) of this section. The provisions of this subsection shall not be effective unless and until the motorcycle rider training course is fully implemented by the ~~department of education~~ division of professional-technical education.

(4) Any person who applies for a motorcycle endorsement on a driver's license, in addition to the requirements specified in subsection (2) of this section, may also be required to pass the motorcycle "M" skills test before he can obtain the motorcycle "M" endorsement.

(5) The operation of a motorcycle upon a highway by any person who has failed to obtain a motorcycle "M" endorsement as provided in this section shall constitute an infraction.

SECTION 8. That Section 49-313, Idaho Code, be, and the same is hereby amended to read as follows:

49-313. EXAMINATION OF APPLICANTS. (1) The sheriff, his deputy or authorized agents of the department shall examine every applicant for an instruction permit, restricted school attendance driving permit, seasonal driver's license, or a driver's license or a motorcycle endorsement, except as otherwise provided by law. The examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic. A skills test shall be required for an applicant who has not been previously licensed for the class of license requested, or who holds a license issued by another country unless a reciprocal agreement is in force. However, a skills test may be required for any and all other applicants at the discretion of the examiner or department for a class A, B, C or D driver's license or a motorcycle endorsement. In addition, the applicant's knowledge of traffic laws of this state and when a motorcycle endorsement is applied for, the applicant's knowledge of safe motorcycle operating practices and traffic laws specifically relating to motorcycle operation shall be tested by a written examination, except as provided in section 49-319, Idaho Code. At the discretion of the examiner, the prescribed written examination may be conducted orally.

(2) The knowledge and skills examinations for applicants for driver's licenses in class A, B or C shall be conducted in compliance with 49 CFR part 383.

(3) The skills test for a class A, B, C or D driver's license or for any endorsement shall be given by the department or its authorized agents. The skills examiner for a motorcycle endorsement shall be certified by the ~~department of education~~ division of professional-technical education.

(4) The department shall not issue the following endorsements except as provided:

(a) A tank, double/triple trailer, or hazardous material endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge test.

(b) A passenger endorsement unless the applicant, in addition to all other applicable qualifications, has passed an appropriate knowledge and skills test.

(c) A school bus endorsement unless the applicant, in addition to all other applicable qualifications, has passed appropriate knowledge and skills tests. Until September 30, 2005, the department may waive the school bus endorsement skills test requirement if the applicant meets the conditions set forth in accordance with 49 CFR part 383.123.

(5) Any person failing to pass a knowledge or skills test for a class A, B, C or D driver's license, or a knowledge test for a seasonal driver's license, or any endorsement may not retake the test within three (3) business days of the failure.

(6) Any person retaking a knowledge or skills test for a driver's license shall pay the appropriate testing fee as specified in section 49-306, Idaho Code.

(7) The motorcycle skills test for a motorcycle endorsement shall be waived by the department:

(a) On and after September 1, 1998, if the applicant presents satisfactory evidence of successful completion of a recognized motorcycle rider training course approved by the ~~department of education~~ division of professional-technical education;

(b) On and after September 1, 1998, if the applicant presents evidence of a motorcycle endorsement on his current license by a state or province which requires a motorcycle skills test equivalent to that required by Idaho law as determined by the ~~department of education~~ division of professional-technical education;

(c) Until September 1, 1998.

(8) At the discretion of the department, an alternate skills test for the motorcycle endorsement may be administered when the endorsement is for operation of a three-wheeled motorcycle only.

(9) The department or its authorized agents may refuse to give an applicant a skills test if there are reasonable grounds to believe that the safety of the applicant, public, or the examiner would be jeopardized by doing so. Reasonable grounds would include, but not be limited to, the applicant's inability to pass the eye test, written tests, or a statement by a licensed physician stating the applicant is not physically able to drive a motor vehicle.

(10) The department or its authorized agents may deny issuance or renewal of a driver's license or endorsement to any applicant who does not meet the licensing requirements for the class of driver's license or endorsement being renewed or issued.

(11) Skills examinations for seasonal driver's licenses shall be waived.

SECTION 9. That Section 49-314, Idaho Code, be, and the same is hereby amended to read as follows:

49-314. LOCAL EXAMINERS APPOINTED BY DEPARTMENT. (1) The department shall appoint the sheriff in each county and may appoint any deputy sheriff, chief of police, or other officials or private citizens whom the department deems qualified as examiners, who shall be agents of the department and shall perform duties prescribed in this title.

(2) The department shall appoint at least one (1) employee in the department who shall be skilled and highly qualified in the method of giving driver's license examinations, who shall have authority, and it shall be this person's duty to instruct the examiners appointed by the

1 department in the method of giving driver's license examinations and acquaint them with the
2 use of equipment and forms needed in examining applicants for licensure.

3 (3) Agents of the department appointed to administer skill tests for class A, B or C
4 driver's licenses must be certified according to 49 CFR part 383.

5 (4) Agents of the department appointed to administer the skills test for a motorcycle
6 endorsement shall be certified by the ~~department of education~~ division of professional-technical
7 education.

8 (5) Agents of the department to administer skills tests for class D driver's license shall be
9 certified by the department.